

The Honorable Jamal N. Whitehead

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

WASHINGTON STATE EMPLOYEES
CREDIT UNION,

IN ADMIRALTY

Case No. 2:23-cv-00987

Plaintiff,

v.

NAUTI BOY, Official Number 1051909, its
Engines, Machinery, Appurtenances, etc., *In*
Rem;

and

UNKNOWN HEIRS AND
BENEFICIARIES OF JOE VELASQUEZ,
ANGELA VELASQUEZ, AMANDA
BECKER, and UNKNOWN HEIRS AND
BENEFICIARIES OF JOSEPH
VELASQUEZ, III, *In Personam*.

Defendants.

**GENERAL JUDGMENT AND DECREE OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT AGAINST
DEFENDANTS NAUTI BOY, OFFICIAL
NO. 1051909, ITS ENGINES,
MACHINERY, APPURTENANCES, ETC.,
UNKNOWN HEIRS AND BENEFICIARIES
OF JOE VELASQUEZ, ANGELA
VELASQUEZ, AMANDA BECKER, AND
UNKNOWN HEIRS AND BENEFICIARIES
OF JOSEPH VELASQUEZ, III**

This matter came before the undersigned Judge of the above-entitled court on Plaintiff's Washington State Employees Credit Union ("Plaintiff") Motion for Entry of General Judgment and Decree of Foreclosure, and Affidavit of Amount Due. The court has entered an

Order of Default against defendants NAUTI BOY, Official No. 1051909, its Engines, Machinery, Appurtenances, etc., Unknown Heirs and Beneficiaries of Joe Velasquez, Angela Velasquez, Amanda Becker, and Unknown Heirs and Beneficiaries of Joseph Velasquez, III (together, “Defendants”), and it further appears that Plaintiff is entitled to entry of general judgment and decree of foreclosure of preferred ship mortgage and declaration of amount due against Defendants;

IT IS ORDERED AND ADJUDGED that Plaintiff shall have a general judgment and decree of foreclosure and declaration of amount due as follows:

A. CLAIMS FOR RELIEF:

1. For judgment and declaration of amount of the debt owed in the principal in the principal sum of \$96,406.06, CPI insurance in the amount of \$900.00, plus costs for moorage and storage fees in the sum of \$11,716.00, plus accrued interest at the contract rate of 6.74 percent per annum through October 18, 2022, in the amount of \$6,284.14, plus accrued interest at the default rate of 12.00 percent per annum from October 19, 2022 through December 21, 2023, in the amount of \$13,563.32, plus interest accruing thereafter at the contract rate of 12.0 percent per annum (\$31.6951 per diem), until the date judgment is entered; together with any additional sums required to be paid by plaintiff during the pendency of this suit for the protection of the property described herein and Plaintiff’s interest therein.

2. For judgment and decree that Plaintiff’s preferred ship mortgage lien is the first position lien against the Vessel and its appurtenances, superior to all other liens, rights, titles, interest or estates which may exist against the Vessel and its appurtenances.

3. For judgment and decree that the mortgage be foreclosed and the Vessel and its appurtenances, be sold, separately and singly or together, by Buck Fowler and Marine Lenders Services as the duly appointed substitute custodian or the U.S. Marshal, after giving notice as required by law, and the proceeds of the sale be applied and delivered to pay claims of Plaintiff

in the amount and to the extent as set forth herein, together with costs and attorney fees, and for decree that any and all persons, firms or corporations claiming any interest in the Vessel and its appurtenances are forever barred and foreclosed of and from all rights of equity or redemption or claim in and to the Vessel and its appurtenances;

4. For judgment and decree that Plaintiff may be and become a purchaser at said sale and be permitted to bid at sale, without cash deposit, its judgment amount, accrued interests, costs and attorney fees, up to the full amount thereof; that the substitute custodian or the U.S. Marshal give the purchaser thereof a Bill of Sale and, that said purchaser have immediate possession of the Vessel and its appurtenances; and that said purchaser be entitled to such remedies as are available at law to secure such position, if defendants or any other parties or persons shall refuse to immediately surrender possession to the purchaser;

5. That the proceeds of the sale be applied as follows: first, to pay the costs and expenses of said sale; second, to pay the judgment of plaintiff; and third, the surplus, if any, to the defendants in the priority as their interests may appear on title, or paid into the Registry of the Court for disbursement to such party or parties as may establish their right thereto and pursuant to further court order;

6. For plaintiff's attorney fees in the amount of \$18,440.00, and costs in the total amount of \$2,383.66, to be submitted in accordance with Federal Rule of Civil Procedure 54 and District of Western Washington Local Civil Rule 54; and

7. For interest on the sum of paragraph 1 and paragraph 6 at the contract rate of 12.00 percent per annum, from the date judgment is entered, until paid in full.

8. That the stay pursuant to FRCP 62(a) be waived.

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DECLARATION OF AMOUNT DUE BY DEFAULT

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|-----|---|-------------|
| (1) | Principal Amount of Judgment:
<i>*Including Collateral Protection Insurance.</i> | \$97,306.06 |
| (2) | Costs for Moorage and Storage Fees: | \$11,716.00 |
| (3) | Prejudgment simple interest
at the contract rate of 6.74% per annum: | |
| | i) Accrued through October 18, 2022: | \$6,284.14 |
| | at the contract default rate of 12.0% per annum from October 19, 2022: | |
| | ii) Accrued through December 21, 2023: | \$13,563.32 |
| | iii) Per diem thereafter until date judgment is entered: | \$31.6951 |
| | from the date judgment is entered until fully paid. | |
| (4) | Reasonable Attorney Fees: | \$18,440.00 |
| (5) | Costs: | \$2,383.66 |
| (6) | Postjudgment simple interest at the contract default rate of 12.0%
per annum on the total judgment of (1) + (2) + (3) + (4) + (5)
from the date judgment is entered until fully paid. | |

DATED this 25th day of April, 2024.



Jamal N. Whitehead
United States District Judge

Submitted by:

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